



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

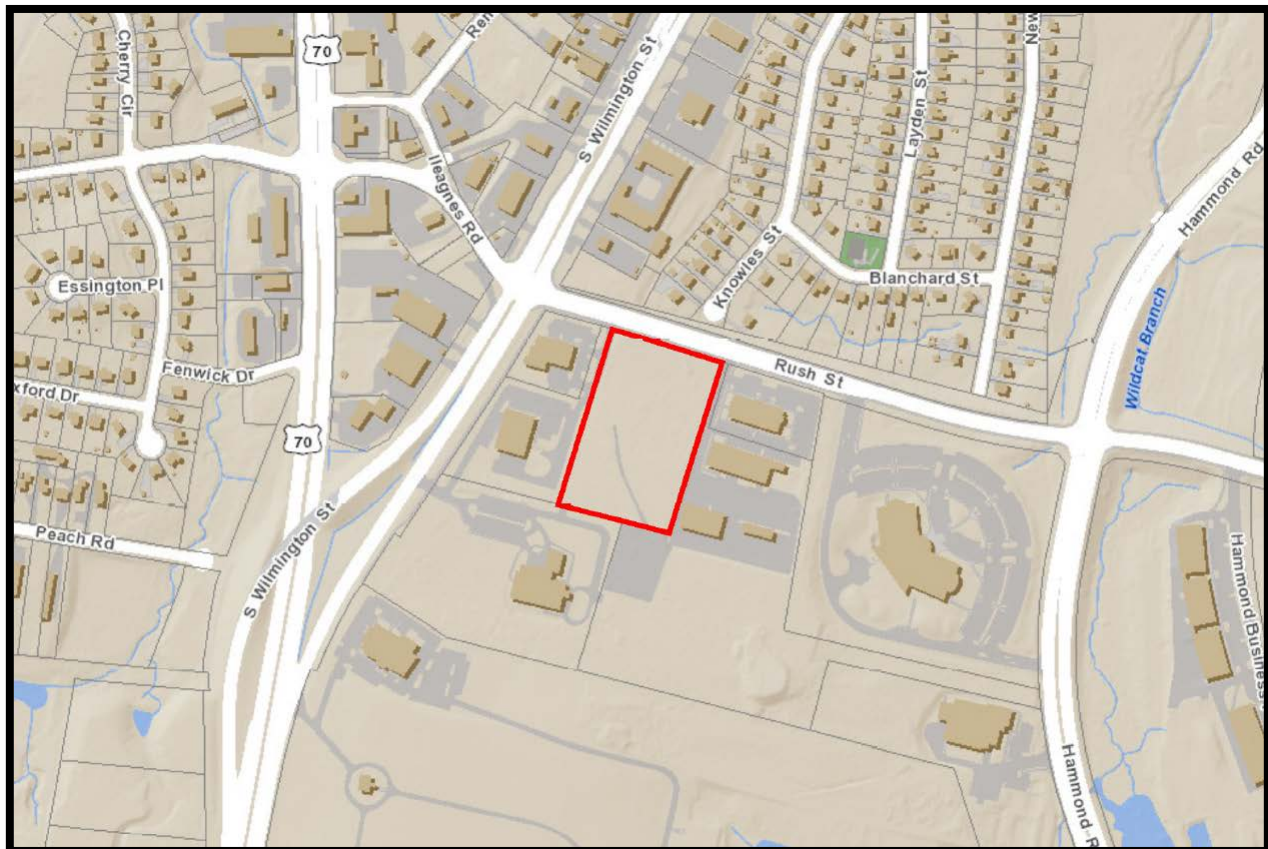
Case File: A-85-16

Property Address: 120 Rush Street

Property Owner: Rush Street Associates, LLC

Project Contact: Isabel Mattox

Nature of Case: A request for a variance to the requirements of Section 6.3.1.D.2.b. of the Part 10A Unified Development Ordinance to increase the number of number of students allowed on a 4.8 acre site by 182 enrollees, resulting in 348 square feet of land area per student instead of 500 square feet of land area per student, in order to permit a "School, Public or Private (K-12)" with 600 students on a 4.8 acre site zoned Industrial Mixed Use-3 and located at 120 Rush Street.

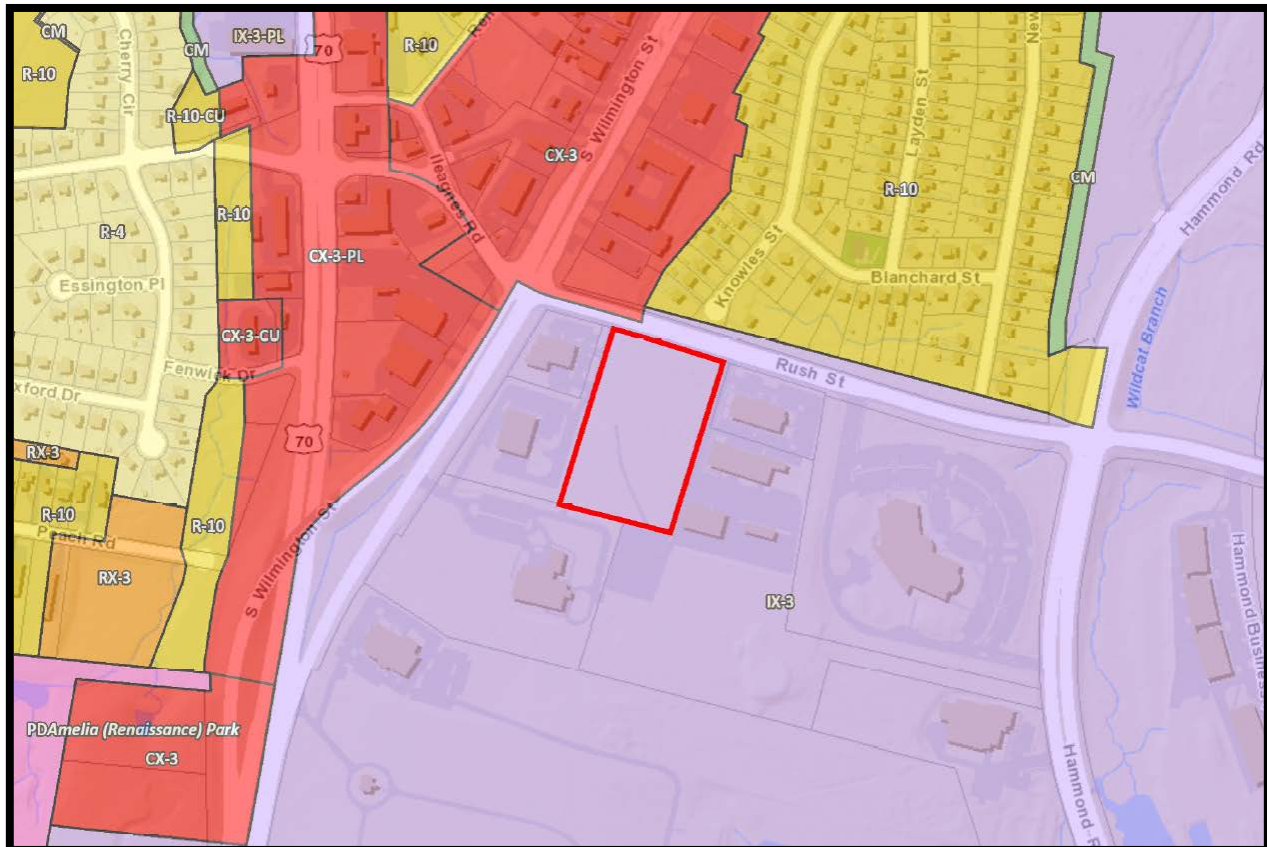


120 Rush Street – Location Map

To BOA: 7-11-16

Staff Coordinator: Eric S. Hodge, AICP

**ZONING
DISTRICTS:** Industrial Mixed Use-3 (IX-3)



120 Rush Street – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions

that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Section 6.3.1.D. School, Public or Private (K-12)

1. Defined

A public or private (including charter or religious) school at the primary, elementary, middle, junior high or high school level that provides basic academic education.

2. Use Standards

a. Meet the curricular teaching certification of instruction approved by the State Board of Education.

b. Be located on a lot with a total area of 500 square feet area per enrolled pupil.

c. Be located outside any Airport Overlay District or Primary Reservoir Watershed Protection Area.

d. The additional traffic generated to and from the site during peak travel periods, combined with the background traffic volume traveling on the roadway would not reduce the roadway or nearby intersections' capacity below level-of-service "D," as defined in the Highway Capacity Manual, 1994.

e. In a Residential District, a Type A1 or A2 transitional protective yard (see Sec. 7.2.4.A.) must be established along any side of the property abutting any residential use.

f. In a Residential District, a Type C2 street protective yard (see Sec. 7.2.4.B.) must be established along all property lines abutting a public right-of-way.

Application for Variance



RALEIGH
DEPARTMENT OF
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

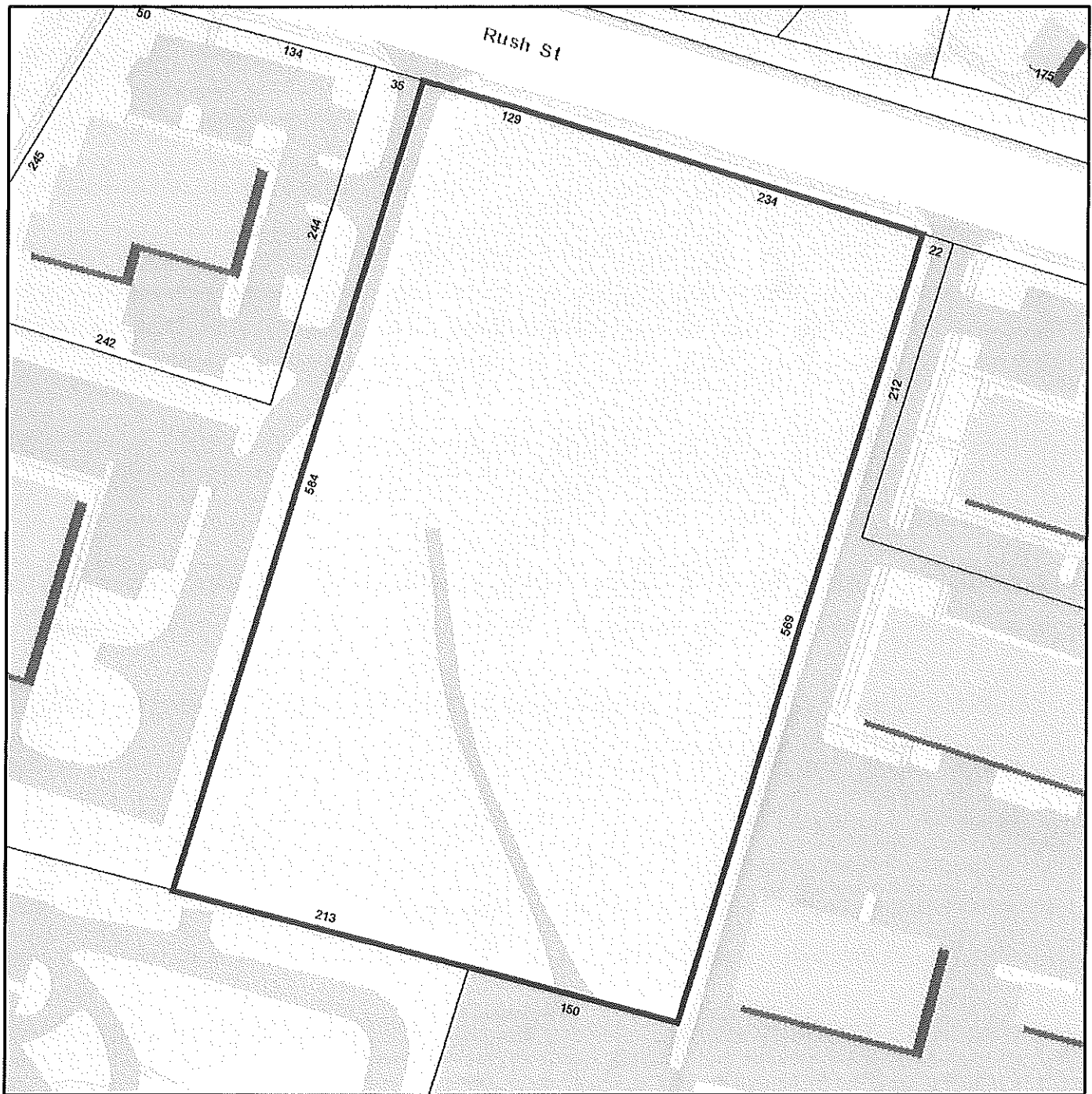
Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
<p>Nature of variance request (if more space is needed, submit addendum on separate sheet): The UDO Section 6.3.1.D.2.b requires 500 square feet of land area per student for a public or private (K-12) school. The Longleaf School of the Arts Charter School is requesting a variance from this provision from 500 square feet per student to 348 square feet per student to allow for the development of a charter school of the arts for up to 600 students on a 4.802 acre site. The demand for this arts and theatre focused charter school has greatly increased, resulting in a need to build a new building to accommodate a greater enrollment. CONTINUED ON ATTACHED ADDENDUM.</p>	<p>Transaction Number A-85-16</p>
<p>Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.</p>	

GENERAL INFORMATION		
Property Address	120 Rush Street	Date June <u>9</u> , 2016
Property PIN	1702-55-2422	Current Zoning IND-1
Nearest Intersection	Rush Street and S. Wilmington St.	Property size (in acres) 4.80 acres
Property Owner	Rush Street Associates LLC	Phone 919-821-7100 Fax 919-838-1920
Owner's Mailing Address	P.O. Box 27705, Raleigh, NC 27611	Email rredavidallen.com
Project Contact Person	Isabel Worthy Mattox	Phone 919-828-7171 Fax 919-831-1205
Contact Person's Mailing Address	PO Box 946, Raleigh, NC 27602	Email Isabel@mattoxfirm.com
Property Owner Signature		Email rredavidallen.com
Notary	<p>Sworn and subscribed before me this <u>9th</u> day of <u>June</u>, 20<u>16</u></p> <p>My commission expires 04/01/2019.</p>	<p>Notary Signature and Seal</p> <p></p> <p></p>

ADDENDUM TO
APPLICATION FOR VARIANCE
120 RUSH STREET
RUSH STREET ASSOCIATES LLC

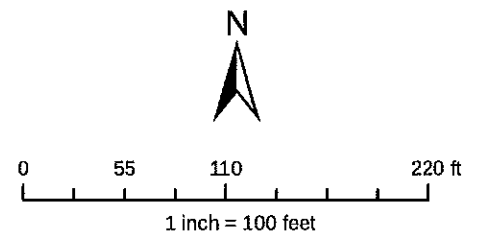
After an exhaustive search to find a suitable site which would be central to the county, have public transit access, and be affordable to this nonprofit organization with limited funds, the school has identified the subject site which meets all of its needs. The hardship of the site is its size, when combined with the school's needs for a central location, transit access, and affordability. It should be noted that the school has no need for athletic fields typically required for high schools but rather offers to its students many physical indoor activities such as dance, theatre and other movement classes.



120 Rush Street

PIN: 1702552422
 PIN Ext: 000
 Real Estate ID: 0431979
 Map Name: 1702 11
 Owner: RUSH STREET ASSOCIATES LLC
 Mail Address 1: PO BOX 27705
 Mail Address 2: RALEIGH NC 27611-7705
 Mail Address 3:
 Deed Book: 010429
 Deed Page: 01770
 Deed Date: 09/09/2003
 Deed Acres: 4.8
 Building Value: \$0
 Land Value: \$833,738
 Total Value: \$833,738
 Billing Class: Business
 Description: LO3 RUSH ST ASSOC LLC
 BM2015 -01477

Heat Area: 0
 Site Address: 120 RUSH ST
 City: RALEIGH
 Township: St. Mary's
 Year Built: 0
 Sale Price: \$0
 Sale Date:
 Use Type:
 Design Style:
 Land Class: VACANT
 Old Parcel Number: --



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[Home](#)

Wake County Real Estate Data Account Summary

[iMaps](#)
[Tax Bills](#)
Real Estate ID **0431979**PIN # **1702552422**
[Account Search](#)
Location Address
120 RUSH STProperty Description
LO3 RUSH ST ASSOC LLC BM2015-01477
[Pin/Parcel History](#) [Search Results](#) [New Search](#)
[NORTH CAROLINA](#) [Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Property Owner RUSH STREET ASSOCIATES LLC (Use the Deeds link to view any additional owners)		Owner's Mailing Address PO BOX 27705 RALEIGH NC 27611-7705	Property Location Address 120 RUSH ST RALEIGH NC 27603-3594
Administrative Data Old Map # 631-- Map/Scale 1702 11 VCS EWRA001 City RALEIGH Fire District Township ST. MARYS Land Class VACANT ETJ RA Spec Dist(s) Zoning IND-1 History ID 1 History ID 2 Acreage 4.80 Permit Date Permit #		Transfer Information Deed Date 9/9/2003 Book & Page 10429 1770 Revenue Stamps Pkg Sale Date Pkg Sale Price Land Sale Date Land Sale Price Improvement Summary Total Units 0 Recycle Units 0 Apt/SC Sqft Heated Area	Assessed Value Land Value Assessed \$833,738 Bldg. Value Assessed Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value Assessed* \$833,738

*Wake County assessed building and land values reflect the market value as of January 1, 2016, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2016 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2016 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Revenue Department at RevHelp@wakegov.com or call 919-856-5400.

Real Estate ID **0431979**PIN # **1702552422**Account
SearchLocation Address
120 RUSH STProperty Description
LO3 RUSH ST ASSOC LLC BM2015-01477[Pin/Parcel History](#) [Search Results](#) [New Search](#)[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Building Location Address 120 RUSH ST		Building Description EWRA001		Card 01 Of 01																																																																																																																																			
Bldg Type Units Heated Area Story Height Style Basement Exterior Const Type Heating Air Cond Plumbing		Year Blt Addns Int. Adjust. Other Features		Base Bldg Value Grade Cond % Market Adj. Market Adj. Accrued % Incomplete Code Card 01 Value All Other Cards Land Value Assessed \$833,738 Total Value Assessed \$833,738																																																																																																																																			
<table border="1"> <thead> <tr> <th colspan="5">Main and Addition Summary</th> <th colspan="5">Other Improvements</th> </tr> <tr> <th>Story</th> <th>Type</th> <th>Code</th> <th>Area</th> <th>Inc</th> <th>Units</th> <th>DesItem</th> <th>Code</th> <th>Year</th> <th>%ADJ</th> <th>Inc</th> <th>Value</th> </tr> </thead> <tbody> <tr><td>M</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>A</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>B</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>C</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>D</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>E</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>F</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>G</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>H</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>				Main and Addition Summary					Other Improvements					Story	Type	Code	Area	Inc	Units	DesItem	Code	Year	%ADJ	Inc	Value	M												A												B												C												D												E												F												G												H													
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